
Public Utilities Commission of the State of California

Public Agenda 3155

Thursday, June 30, 2005 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

John A. Bohn

Geoffrey F. Brown

Dian M. Grueneich

Susan P. Kennedy

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, July 18, 2005 (San Francisco)	Thursday, June 30, 2005 (San Francisco)
Monday, August 22, 2005 (San Francisco)	Thursday, July 21, 2005 (San Francisco)
Tuesday, September 06, 2005 (San Francisco)	Thursday, August 25, 2005 (San Francisco)
	Thursday, September 08, 2005 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

For further information contact the Public Advisor
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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 21

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Consent Agenda - Orders and Resolutions

- | | |
|---------------------------|---|
| 1
[4632] | Res TL- 19061
Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code. |
| 2
[4634] | Res ALJ 176-3155
Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure. |
| 3 (Rev.)
[4586] | Res W-4536 - Warring Water Service, Inc. (Warring).
This resolution authorizes Warring a general rate increase producing additional annual revenue of \$77,570 or 24.5% in test year 2005.
Agenda 3153, Item 24 5/26/2005 (Staff);
Agenda 3154, Item 1 6/16/2005 (Staff)
<u>06/27/2005 - This revision was not shown on the Agenda mailed to the public.</u> |

Consent Agenda - Orders and Resolutions (continued)

- 4**
[4622] **A05-01-030 - Americatel Corporation dba 1010 123 Americatel, and Almendral, S.A.**
This decision denies the Petition for Modification of D05-03-033 filed by Americatel Corporation and Almendral, S.A. (Petitioners). Petitioners seek elimination of the requirement in that decision that they have at least \$25,000 on deposit in a United States bank. Petitioners claim that because they have assets of \$337 million and cash of \$12 million in the nation of Chile, the requirement is an unnecessary administrative burden. This decision finds that a telecommunications company doing business in California must provide evidence of its financial responsibility to pay employees, creditors, and ratepayers by having a modest amount on deposit in this country. Thus, the decision retains the \$25,000 deposit requirement. This proceeding is closed.
(Comr Brown - ALJ Thomas)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
Agenda 3154, Item 10 6/16/2005 (Brown)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198444
- 5**
[4640] **R04-01-026 - Order Instituting Rulemaking on policies and practices for the Commission's transmission assessment process.**
This decision closes this rulemaking, since it remains premature to amend General Order 131-D.
(Comr Peevey - ALJ Vieth)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198097
- 6**
[4642] **A00-09-061 - Pacific Bell Telephone Company.**
This decision dismisses application without prejudice to refiling due to intervening events bearing on requested relief and associated staleness of record. This proceeding is closed.
(Comr Kennedy - ALJ Weismehl)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198028

Consent Agenda - Orders and Resolutions (continued)

7 **R03-09-029 - Order Instituting Rulemaking regarding cost responsibility surcharges for**
[4646] **county and municipal water districts which generate their own electricity pursuant to SB**
1755.

This decision adopts a cost responsibility surcharge applicable to county and municipal water districts that self-generate by following the mechanism and exceptions found in D03-04-030. This proceeding is closed.

(Comr Brown - ALJ Grau)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198029

8 **A01-10-011 - Pacific Gas and Electric Company.**

[4651] Application proposing a market structure and rules for the northern California natural gas industry for the period beginning January 1, 2003 as required by Commission Decision 01-09-016. This decision addresses the January 14, 2004 petition for modification of D03-12-061 that was filed by Duke Energy North America and Duke Energy Trading and Marketing. This proceeding is closed.

(Comr Peevey - ALJ Wong)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196402

9 **A02-01-036 - California-American Water Company (Cal-Am), RWE Aktiengesellschaft,**
[4664] **Thames Water Aqua Holdings GmbH, Thames Water Plc, and Apollo Acquisition Company.**

For an order authorizing Apollo Acquisition Company to merge with and into American Water Works Company, Inc. resulting in a change of control of Cal-Am, and for such related relief as may be necessary to effectuate such transaction. This decision denies the petition of the County of Santa Cruz to modify D02-12-068. D02-12-068 conditionally approved a transfer of control of Cal-Am. Santa Cruz' petition can be distilled into two claims: (1) that Cal-Am no longer has the need or right to recover through the Alternative Sharing Mechanism the acquisition premium paid for the assets of Citizens California water utility facilities because of the transfer of control which was the subject of D02-12-068; and (2) that Cal-Am has not adequately demonstrated synergy savings due to the Cal-Am/Citizens transaction in its general rate case proceeding (a proceeding that, since this petition was filed, has been decided in D04-05-023.) The Commission has repeatedly addressed and rejected the substance of the claims made in this petition. The petitioner has not shown new or changed facts that would justify allowing further litigation of the underlying issues. The petition is therefore denied. This proceeding is closed.

(Comr Kennedy - ALJ Econome)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198297

Consent Agenda - Orders and Resolutions (continued)

- 10**
[4668] **Res E-3934 - Southern California Edison Company (SCE).**
SCE requests approval of six new renewable resource procurement contracts with: Liberty Biofuels Power, Sierra Biomass, Green Borders Geothermal, Mountain View Power Partners IV (wind), Coram Energy (wind) and Aero Energy (wind). (Advice Letter 1876-E, filed March 8, 2005)
Agenda 3154, Item 31 6/16/2005 (Staff)
- 11**
[4678] **A04-09-027 - Flora Com, LLC (Applicant).**
This decision grants Applicant a certificate of public convenience and necessity which authorizes provision of resold interexchange services statewide and local exchange services in specified territories. This proceeding is closed.
(Comr Kennedy - ALJ Prestidge)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=193066
- 12**
[4680] **Res SX-67**
This resolution authorizes State of California Department of Transportation a temporary overhead clearance of not less than 21 feet, 6 inches above the top of the highest rail during reconstruction of the Fenner Overhead bridge structures of Interstate 40 grade-separated highway-rail crossing over BNSF Railway Company's Main Line in an unincorporated area of San Bernardino County.
- 13**
[4681] **A05-03-018 - Bright House Networks Information Services (California), LLC (Applicant).**
This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange interLATA and intraLATA interexchange telecommunications services. This proceeding is closed.
(Comr Grueneich - ALJ Yacknin)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=194892
- 14**
[4686] **Res W-4545 - Little Bear Water Company, Inc. (Little Bear).**
This resolution grants Little Bear authority to secure a loan in the amount of \$540,000 to be used for the construction of three reservoirs, and to encumber utility assets in connection with the loan. (Advice Letter 44, filed May 1, 2005)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195571
- 15**
[4687] **Res W-4546 - County Water Company.**
This resolution revokes the certificate of public convenience and necessity of County Water Company.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196469

Consent Agenda - Orders and Resolutions (continued)

- 16**
[4688] **A01-10-011 - Pacific Gas and Electric Company.**
Application proposing a market structure and rules for the northern California natural gas industry for the period beginning January 1, 2003 as required by Commission Decision 01-09-016. This decision awards The Utility Reform Network \$8,390 for its substantial contribution to D04-12-035.
(Comr Peevey - ALJ Wong)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=193585
- 17**
[4689] **Res W-4544 - Bass Lake Water Company (BLWC).**
This resolution authorizes BLWC a general rate increase producing additional annual revenue of \$194,975 or 63.16% in Test Year 2004.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195899
- 18**
[4690] **A04-11-018 - Champion Broadband California, LLC (Applicant).**
This decision grants Applicant a certificate of public convenience and necessity to provide facilities-based and resold local exchange and interexchange telecommunications services. In addition, its acquisition of the assets of Altrio Communications, Inc. is granted prospectively. This proceeding is closed.
(Comr Kennedy - ALJ O'Donnell)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=190127
- 19**
[4691] **A05-04-011 - Pacific Gas and Electric Company (PG&E).**
This decision authorizes PG&E to grant easements to two couples in Shasta County for installation of water wells on separate parcels of land in which PG&E owns all surface and subsurface water and water rights. The decision dismisses as moot PG&E's request that the Commission adopts a streamlined procedure for easements of this type because the Commission already is considering streamlined review of § 851 transactions. This proceeding is closed.
(Comr Kennedy - ALJ Walker)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=194256

Consent Agenda - Orders and Resolutions (continued)

- 20**
[4692] **Res ST-78 - San Diego Metropolitan Transit Development Board (MTDB).**
This resolution grants MTDB's request to deviate from the provisions of General Order 143-B, Section 9.05, Emergency Walkways requirements to permit encroachment of fixed structures less than two feet in length (e.g. catenary and signal poles) into the emergency walkway, provided that approved measures are taken to give warning of restricted clearances and at least a 24-inch walkway is accessible, at eleven right-of-way locations only.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197217
- 21**
[4693] **I03-10-038 - Investigation on the Commission's own motion into the operations and practices of the Conlin-Strawberry Water Company Inc., and its owner/operator, Danny T. Conlin; Notice of Opportunity for Hearing; and Order to Show Cause why the Commission should not petition the Superior Court for a receiver to assume possession and operation of the Conlin-Strawberry Water Company Inc. pursuant to the California Public Utilities Code Section 855.**
The Commission issued an Order Instituting Investigation (OII), Notice of Opportunity for Hearing, and Order to Show Cause directed to Conlin-Strawberry Water Company Inc. and Danny T. Conlin, its owner (sole shareholder) and operator, respondents. In this decision, the Presiding Officer determines that certain of the OII's allegations have been proven by a preponderance of the evidence and that the Commission should petition the Superior Court for the appointment of a receiver to assume possession and operation of the water system. Additionally, the Presiding Officer orders reparations of approximately \$107,000 (including interest), for illegally collected rate surcharges, from the company. The appeal of the decision of the Presiding Officer is denied. This proceeding is closed. (Comr Brown - ALJ Thorson)
Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=192508
- 22**
[4694] **A02-05-046 - Southern California Edison Company.**
Application regarding the future disposition of the Mohave Generating Station. This decision awards The Utility Reform Network \$95,667.71 in compensation for its contribution to D04-12-016. (Comr Peevey - ALJ Brown)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=194737

Consent Agenda - Orders and Resolutions (continued)

- 23**
[4695] **A04-11-012 - UCN, Inc. (Applicant).**
Applicant seeks a certificate of public convenience and necessity under Public Utilities Code § 1001 for authority to provide limited facilities-based and resold local exchange telecommunications services as a competitive local carrier. This decision grants the requested authority subject to the terms and conditions set forth. This proceeding is closed.
(Comr Kennedy - ALJ Prestidge)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195608
- 24**
[4697] **(ECP) C04-12-010 - Tamara Scalera (Complainant) vs. Charles Faccini dba Red & White Moving (Defendant).**
Complainant seeks damages in the amount of \$10,000 from Defendant, for replacement of a television set, and related costs. Complainant alleges that Defendant caused damage to her television set as part of a household goods moving. The complaint is dismissed because the Commission lacks jurisdiction to award damages. This proceeding is closed.
(Comr Peevey - ALJ Patrick)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196458
- 25**
[4698] **R03-10-003 - Order Instituting Rulemaking to implement portions of AB 117 concerning community choice aggregation.**
This decision awards Local Power \$43,728.25 for its contribution to D04-12-046. This is a reduction of \$51,390.50 from the amount requested.
(Comr Peevey - ALJ Malcolm)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=193074
- 26**
[4700] **Res W-4547 - Vista Grande Water System (Vista Grande).**
This resolution approves a contract arrangement between Vista Grande and Deadmond Brothers Construction addressing specific provisions for handling the procedures outside traditional main extension contract in Tariff Rule No. 15. (Advice Letter 28, filed September 20, 2004)
- 27**
[4702] **R01-10-001 - Order Instituting Rulemaking to revise Commission General Order Numbers 95 and 128.**
This decision awards \$35,678 to William Adams in compensation for his contribution to D05-01-030. This proceeding is closed.
(Comr Brown - ALJ Walker)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195904

Consent Agenda - Orders and Resolutions (continued)

- 28**
[4703] **R01-10-001 - Order Instituting Rulemaking to revise Commission General Order Numbers 95 and 128.**
This decision awards \$40,710.51 to CN Utility Consulting, LLC in compensation for its contribution to D05-01-030. This proceeding is closed.
(Comr Brown - ALJ Walker)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195820
- 29**
[4707] **A05-01-001 - MercedNet, Inc. (Applicant).**
This decision grants Applicant's unopposed application to discontinue providing services to customers as a competitive local exchange carrier, to withdraw its associated tariffs, and to surrender its certificate of public convenience and necessity. This proceeding is closed.
(Comr Kennedy - ALJ Prestidge)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195806
- 30**
[4710] **I03-07-009 - Investigation for the purpose of establishing a list for the fiscal years 2004-2005 and 2005-2006 of existing and proposed crossings at grade of city streets, county roads or state highways in need of separation, or projects affecting the elimination of grade crossings by removal or relocation of streets or railroad tracks, or existing separations in need of alterations or reconstruction in accordance with Section 2452 of the Streets and Highways Code.**
This decision adopts the California Grade Separation Priority List for fiscal year 2005-2006, as required by Streets and Highways Code Section 2452. The 2004-2005 Priority List, established by D04-06-020, dated June 9, 2004, requires no revision. This proceeding is closed.
(Comr Brown - ALJ Henderson)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196854
- 31**
[4711] **A04-01-010 - Computer Network Technology Corporation (Applicant).**
This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange and interexchange telecommunications services. This proceeding is closed.
(Comr Kennedy - ALJ O'Donnell)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197001

Consent Agenda - Orders and Resolutions (continued)

- 32** **A05-05-017 - Shell California Pipeline Company LLC (Shell of California).**
[4719] This decision authorizes Shell of California to remove from public utility service Pipeline #369, Line Segment #370, and related facilities, as detailed in the application. This proceeding is closed.
 (Comr Grueneich - ALJ Galvin)
 Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196428
- 33** **A05-05-026 - Royal Dutch plc, N.V. Koninklijke Nederlandsche Petroleum Maatschappij,**
[4725] **and The "Shell" Transport and Trading Company, p.l.c. and Shell California Pipeline**
 Company LLC.
 This decision grants authority for a technical transfer of control of Shell California Pipeline Company LLC. This proceeding is closed.
 (Comr Brown - ALJ Barnett)
 Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=196936

Regular Agenda

Regular Agenda - Energy Orders

34

[4517]

A00-11-038 - Southern California Edison Company.

For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. This decision denies San Diego Gas & Electric Company's petition to modify D04-12-014, which adopted a permanent methodology for allocating the Department of Water Resources' annual revenue requirement.

(Comr Brown - ALJ Allen)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3153, Item 37 5/26/2005 (Peevey);

Agenda 3154, Item 36 6/16/2005 (Brown)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=194298

34a

[4662]

ALTERNATE TO ITEM 4517

A00-11-056, A00-10-028 - Related matters. This alternate decision grants, in part, SDG&E's petition to modify D04-12-014, which adopted a permanent methodology for allocating the Department of Water Resources' annual revenue requirement.

(Comr Peevey)

Agenda 3154, Item 36a 6/16/2005 (Brown)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197399

35

[4650]

A04-03-008 - San Diego Gas & Electric Company (SDG&E).

This decision grants SDG&E's application for a certificate of public convenience and necessity (CPCN) for the Otay Mesa Power Purchase Agreement Transmission Project (Proposed Project). The CPCN is for the construction of two new 230 kilovolt electric transmission circuits to connect SDG&E's Miguel Substation with both the Sycamore Canyon Substation and the Old Town Substation in San Diego County. The combined route length for both circuits is approximately 52 miles. This decision also certifies the Final Environmental Impact Report as the Environmental Impact Report (EIR) for the Proposed Project which is the subject of this application and is certified for use by responsible agencies in considering subsequent approvals for the project, or for portions thereof. SDG&E's application is granted after weighing the need for the two new electric transmission circuits and the outcome of the EIR. This decision conditions the CPCN on implementation and completion of any mitigation measures set forth in the EIR. This proceeding is closed.

(Comr Peevey - ALJ Brown)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198268

Regular Agenda - Energy Orders (continued)

36 **I_____ - Order Instituting Investigation on the Commission's own motion into**
[4701] **methodology for economic assessment of transmission projects.**

In this investigation, the Commission will consider the appropriate methodology for assessment of the economic benefits of transmission projects within its jurisdiction. The proceeding will be coordinated with A05-04-015, in which Southern California Edison Company (SCE) requests a certificate of public convenience and necessity for the Devers-Palo Verde No. 2 transmission project. SCE, Pacific Gas and Electric Company, and San Diego Gas & Electric Company are Respondents.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198080

Regular Agenda - Energy Resolutions and Written Reports

- 37**
[4510] **Res E-3919 - San Diego Gas & Electric Company (SDG&E).**
SDG&E requests clarification that its Net Energy Metering Tariff for Biogas Customer-Generators applies to non-residential customers only. SDG&E's request to exclude residential load is denied. (Advice Letter 1599-E, filed July 15, 2004)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Agenda 3153, Item 43 5/26/2005 (Staff);
Agenda 3154, Item 43 6/16/2005 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198257
- 38**
[4583] **Res G-3375 - Southern California Gas Company (SoCalGas).**
SoCalGas requests authorization to implement a new transmission service rate schedule, Schedule No. GT-DGN. Under Schedule No. GT-DGN, SoCalGas will offer firm and interruptible transmission service to the Distribuidora de Gas Natural de Mexicali, S. DE R.L. DE C.V. (DGN) Mexicali border receipt point located in Calexico. This resolution denies SoCalGas Advice Letter 3405 without prejudice. (Advice Letter 3405, filed September 10, 2004)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Agenda 3154, Item 45 6/16/2005 (Brown)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198465
- 39**
[4674] **Res E-3937 - Pacific Gas and Electric Company (PG&E) and San Diego Gas & Electric Company (SDG&E).**
This resolution approves PG&E's and SDG&E's request to establish Advanced Metering Infrastructure Memorandum Accounts to record the incremental Advanced Meter Infrastructure pre-deployment Capital-related and Operational and Maintenance expenses. (PG&E Advice Letter (AL) 2632-G/2664-E, filed May 13, 2005 and SDG&E AL 1689-E/1524-G, filed April 27, 2005)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198509

Regular Agenda - Telecommunication Orders**40**

[4665]

R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.

I95-04-044 - Related matters. This decision closes the phase of the Local Competition proceeding designated "FCC Triennial Review Nine-Month Phase." Any remaining disputes regarding change-of-law implementation will be addressed through negotiation or arbitration.

(Comr Kennedy - ALJ Pulsifer)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198036

Regular Agenda - Other Utility Orders**41 R_____ - Order Instituting Rulemaking to implement Senate Bill No. 1488 (2004 Cal. Stats., Ch. 690 (Sept. 22, 2004)) relating to confidentiality of information.**
[4611]

This order implements Senate Bill No. 1488 (2004 Cal. Stats., Ch. 690 (Sept. 22, 2004)), which requires that the Commission examines its practices regarding confidential information (Public Utilities Code §§ 454.5(g) and 583, and the Public Records Act, Gov. Code § 6250, et seq) to ensure meaningful public participation in the Commission's proceedings, and open decisionmaking, while taking account of the Commission's obligations under §§ 454.5(g) and 583 to protect the confidentiality of certain types of information.

Agenda 3153, Item 48 5/26/2005 (Staff);

Agenda 3154, Item 51 6/16/2005 (Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198233

Regular Agenda - Administrative Law Judge Division Reports and Resolutions**42**

[4649]

Res ALJ-185

The Commission, building upon existing practices, hereby establishes a program under the supervision of the Chief Administrative Law Judge to encourage and evaluate the use of alternative dispute resolution (ADR) processes in formal proceedings and other appropriate disputes arising within the Commission's jurisdiction. This resolution sets forth the need for and purpose of this initiative; basic procedures; and the respective responsibilities of parties, ALJs, and the Commission in implementing this program. The Commission's fundamental mission is to define and protect the public interest as it relates to utility rates and service. The Commission believes that ADR, in appropriate instances, helps it to fulfill the Commission's mission; however, ADR does not relieve the Commission of its ultimate responsibility to act in the public interest.

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198079

Regular Agenda - Legal Division Matters**43 WC Docket No. 04-36 (FCC)**

[4564] In the matter of IP-Enabled Services, WC Docket No. 04-36 (FCC). To consider filing comments in the FCC's rulemaking proceeding regarding IP-enabled services.

Agenda 3152, Item 23 5/5/2005 (Staff);

Agenda 3153, Item 49 5/26/2005 (Staff);

Agenda 3154, Item 52 6/16/2005 (Brown)

44 FCC CC Docket No. 98-170

[4659] In the Matter of Truth-in-Billing and Billing Format, National Association of State Utility Consumer Advocates' Petition for Declaratory Ruling Regarding Truth-in-Billing, FCC CC Docket No. 98-170, CG Docket No. 04-208. Recommendation that Commission file comments on FCC Notice of Proposed Rulemaking re: Truth in Billing Rules.

Agenda 3154, Item 55 6/16/2005 (Brown)

44a ALTERNATE TO ITEM 4659

[4704] In the Matter of Truth-in-Billing and Billing Format, National Association of State Utility Consumer Advocates' Petition for Declaratory Ruling Regarding Truth-in-Billing, FCC CC Docket No. 98-170, CG Docket No. 04-208. Recommendation that Commission file comments supportive of FCC's actions to protect consumers via establishment of national disclosure rules in response to FCC Notice of Proposed Rulemaking re: Truth in Billing Rules.

(Comr Kennedy)

Agenda 3154, Item 55a 6/16/2005 (Brown)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197494

45 Res L-319

[4676] Resolution L-319 authorizes the disclosure of records concerning a Consumer Protection and Safety Division, Safety and Reliability Branch, Utilities Safety Section investigation of a gas incident involving the facilities of the Southern California Gas Company in Santa Monica, California on September 5, 2003, Incident No. G20030905-01.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198321

Regular Agenda - Legislative Matters - Discussion**46 AB 67 (Levine)**

[4600]

Electricity: rates: report to Legislature.

Agenda 3153, Item 52 5/26/2005 (Staff);

Agenda 3154, Item 56 6/16/2005 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198296**47 AB 736 (J. Horton)**

[4492]

Public utilities: regulation.

Agenda 3151, Item 40 4/21/2005 (Staff);

Agenda 3152, Item 27 5/5/2005 (Staff);

Agenda 3153, Item 55 5/26/2005 (Staff);

Agenda 3154, Item 57 6/16/2005 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198287**48 AB 903 (De La Torre)**

[4483]

Cable television franchises.

Agenda 3151, Item 32 4/21/2005 (Staff);

Agenda 3152, Item 30 5/5/2005 (Staff);

Agenda 3153, Item 56 5/26/2005 (Staff);

Agenda 3154, Item 58 6/16/2005 (Staff)

49 AB 1010 (Oropeza)

[4621]

Rail transit

Agenda 3154, Item 59 6/16/2005 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198386**50 AB 1380 (Gordon)**

[4562]

Telco: new area codes.

Agenda 3152, Item 36 5/5/2005;

Agenda 3153, Item 57 5/26/2005 (Staff);

Agenda 3154, Item 60 6/16/2005

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195854

Regular Agenda - Legislative Matters - Discussion (continued)

- 51** **AB 1383 (Pavley)**
[4720] Electricity: distributed emerging technologies: rebates.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198294
- 52** **AB 1388 (Ridley-Thomas)**
[4721] CA Teleconnect Fund: specified grant programs.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198439
- 53** **AB 1576 (Nunez)**
[4538] Electrical corporations: rates; repowering projects.
Agenda 3152, Item 39 5/5/2005 (Staff);
Agenda 3153, Item 60 5/26/2005 (Staff);
Agenda 3154, Item 61 6/16/2005 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198295
- 54** **SB 402 (Campbell)**
[4722] Telecommunications: cell phone directories.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198185
- 55** **SB 769 (Simitian)**
[4540] Energy Reliability and Affordability Act.
Agenda 3152, Item 51 5/5/2005 (Staff);
Agenda 3153, Item 66 5/26/2005 (Staff);
Agenda 3154, Item 64 6/16/2005 (Staff)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=198290
- 56** **SB 909 (Escutia)**
[4723] Telecommunications: video services: fair competition.

Regular Agenda - Commissioner's Reports

Regular Agenda - Management Reports and Resolutions

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

Closed Session - Non-Federal

57

[4636]

Conference with Legal Counsel - Applications for Rehearing

Compilation of applications for rehearing recently filed with the Commission.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

58

[4592]

R01-10-024 - Conference with Legal Counsel - Application for Rehearing

Disposition of Applications for Rehearing of D04-06-011 filed by The Utility Reform Network and the Utility Consumers Action Network, the City of Chula Vista and the Alliance for Retail Energy Markets. In D04-06-011, the Commission approved a motion filed by San Diego Gas & Electric Company (SDG&E) to enter into new electric resource contracts with Comverge, Envirepel, Ramco, Palomar and Otay Mesa. These contracts were the result of a request for proposal issued by SDG&E to solicit bids to procure energy to meet its short- and long-term grid reliability needs.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
 Agenda 3153, Item 74 5/26/2005 (Staff);
 Agenda 3154, Item 70 6/16/2005 (Staff)

59

[4673]

R04-01-025 - Conference with Legal Counsel - Application for Rehearing

The Utility Reform Network (TURN) and Ratepayers for Affordable Clean Energy (RACE) filed a joint application for rehearing of D04-09-022 on October 12, 2004. RACE also separately filed an application for rehearing of D04-09-022 on October 12, 2004. D04-09-022 adopts policies concerning the Phase One proposals of Southern California Gas Company, San Diego Gas & Electric Company, Pacific Gas & Electric Company, and Southwest Gas Company. These proposals were filed in accordance with this Order Instituting Rulemaking, which was opened to ensure that California does not face a natural gas shortage in the future. The policies adopted in D04-09-022 are part of the State's overall effort to implement and fulfill the Energy Action Plan's goal.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
 Agenda 3154, Item 71 6/16/2005 (Staff)

Closed Session - Non-Federal (continued)**60**

[4675]

A04-03-035 - Conference with Legal Counsel - Application for Rehearing

Disposition of Application for Rehearing of D04-11-022 filed by Verizon California (Verizon). The Commission denied a Motion for Summary Judgement filed by SBC Communications and Verizon seeking authority to price retail services below their respective costs to meet a competitor's offer, while granting the Motion to approve "total of the floors" pricing as a general concept.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Agenda 3154, Item 72 6/16/2005 (Bohn)

61

[4705]

A02-11-044 - Conference with Legal Counsel – Application for Rehearing

Disposition of Applications for Rehearing of D04-07-034 filed by the Office of Ratepayer Advocates, City of Fontana and the Fontana Unified School District. D04-07-034 authorizes a rate increase for the San Gabriel Valley Water Company (San Gabriel), Fontana Water Company Division. Among other things, the decision removes \$2.6 million from the ratebase, finding that is the amount of money the County of San Bernardino reimbursed San Gabriel for its water treatment facility, Plant F-10. The decision also finds that the Fontana Division is experiencing growth that is expected to continue and that it was barely able to meet its 2003 summer peak-day demand following four years of drought and closure of various contaminated wells. Further, the decision finds that it is not reasonable to defer addition for new plant in the Fontana Division until outside funding for contamination cleanup becomes available and finds that the utility has justified its proposed construction program including plans for needed plant additions that would increase its rate base at a rate of 10% per year. The decision advises that the utility to open a water quality memorandum account for any reimbursements from polluters or proceeds ultimately received. The decision permits the utility to purchase land for its new office building but requires it to defer building the new office building at this time. Because the utility has not, in the past, hired new personnel when funded to do so, the decision requires it to file an advice letter for inclusion of the costs of each new position authorized by it. In addition, the decision finds that the utility's executive salaries are not unreasonable.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Gov. Code § 11126.3(d), allows this item to be considered in Closed Session.

Closed Session - Initiation of Litigation - Non-Federal

Consideration of possible Commission initiation of, or intervention in, litigation.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

62

[4594]

Conference with Legal Counsel - Initiation of Litigation

Deliberation on institution of proceeding or disciplinary actions against person or entities under the Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced and disclosure could also jeopardize the ability to effect personal service on the Respondent.)

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.

Agenda 3153, Item 75 5/26/2005;

Agenda 3154, Item 73 6/16/2005 (Staff)

63

[4708]

Conference with Legal Counsel - Initiation of Litigation

Docket Number unknown, California Department of Water Resources (DWR), In Re Determination of a 2006 DWR Revenue Requirement.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.

Closed Session - Threatened Litigation - Non-Federal

Significant exposure to litigation

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Personnel Matters

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

Gov. Code § 11126(a), allows this item to be considered in Closed Session

Closed Session - Threatened Litigation - Federal

Significant exposure to litigation in federal agency or court proceedings.

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Initiation of Litigation - Federal

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

64

[4598]

FERC Docket No. ER05-____-000 - Conference with Legal Counsel - Initiation of Litigation

Pastoria Energy Facility, LLC, FERC Docket No. ER05-____-000 (docket number not yet assigned)

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Agenda 3153, Item 76 5/26/2005 (Staff);

Agenda 3154, Item 74 6/16/2005 (Staff)

65

[4699]

FCC Docket No. 05-193, FCC Docket No. 05-194 - Conference with Legal Counsel - Initiation of Litigation

Petition of the Cellular Telecommunications & Internet Association for Ruling Confirming that: (1) Early Termination Fees in Wireless Service Contracts Are "Rates Within the Meaning of Section 332(c)(3)(A) of the Communications Act and FCC Precedent, etc., FCC Docket No. 05-194; and In re Clarification That Early Termination Fees Charged to Cellular Telephone Customers Are "Rates Charged" Within The Meaning of 47 U.S.C. §332(c)(3)(A), FCC Docket No. 05-193.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

66

[4709]

Conference with Legal Counsel - Initiation of Litigation

El Paso General Rate Case, FERC Docket No. to be determined

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Closed Session - Federal

67 FERC Docket No. ER05-406 - Conference with Legal Counsel - Existing Litigation

[4575] Williams Power Company, Inc., FERC Docket No. ER05-406.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.

Agenda 3153, Item 79 5/26/2005 (Staff);

Agenda 3154, Item 78 6/16/2005 (Staff)

Closed Session - FERC Docket No. EL00-95-000

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., EL00-95-000

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.